

By the Committee on Criminal Justice

591-992B-07

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A bill to be entitled

An act relating to the use of a minor to facilitate the commission of a crime; creating s. 775.0851, F.S.; requiring that an offense be reclassified to the next higher degree if, during the commission or attempted commission of the offense, the offender was 18 years of age or older and used, conspired with, or otherwise involved a person younger than 18 years of age in committing the offense or in avoiding detection or apprehension for the offense; providing for ranking an enhanced offense under the sentencing guidelines; authorizing the court to sentence the offender to a term of imprisonment which is longer than otherwise required; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 775.0851, Florida Statutes, is created to read:

775.0851 Use of a minor to facilitate commission of a crime.--

(1) The felony or misdemeanor degree of any criminal offense shall be reclassified to the next higher degree as provided in this section if, during the commission or attempted commission of the offense, the offender was 18 years of age or older and if the offender:

(a) Used or hired a person younger than 18 years of age as an agent or employee of the offender or others to

1 facilitate the commission or attempted commission of the
2 offense;
3 (b) Conspired with a person younger than 18 years of
4 age to commit the offense;
5 (c) Solicited or otherwise caused a person younger
6 than 18 years of age to commit or attempt to commit the
7 offense;
8 (d) Used a person younger than 18 years of age to aid
9 or abet in the commission or attempt to commit the offense; or
10 (e) Used a person younger than 18 years of age to
11 assist or attempt to assist in avoiding detection or
12 apprehension for the offense.
13 (2)(a) In the case of a misdemeanor of the second
14 degree, the offense shall be reclassified to a misdemeanor of
15 the first degree.
16 (b) In the case of a misdemeanor of the first degree,
17 the offense shall be reclassified to a felony of the third
18 degree. For purposes of sentencing under chapter 921, such
19 offense shall be ranked in level 2 of the offense severity
20 ranking chart.
21 (3)(a) In the case of a felony of the third degree,
22 the offense shall be reclassified to a felony of the second
23 degree.
24 (b) In the case of a felony of the second degree, the
25 offense shall be reclassified to a felony of the first degree.
26 (c) In the case of a felony of the first degree, the
27 offense shall be reclassified to a life felony.
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29 For purposes of sentencing under chapter 921, a felony offense
30 that is reclassified under this subsection shall be ranked one
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1 level above the ranking under s. 921.0022 or s. 921.0023 of
2 the offense committed.

3 (4) Notwithstanding any other provision of law, the
4 court may sentence the offender as follows:

5 (a) In the case of an offense reclassified under this
6 section to a life felony or a felony of the first degree, for
7 life.

8 (b) In the case of an offense reclassified under this
9 section to a felony of the second degree, for a term of years
10 not exceeding 30.

11 (c) In the case of an offense reclassified under this
12 section to a felony of the third degree, for a term of years
13 not exceeding 10.

14 Section 2. This act shall take effect July 1, 2007.

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17 SENATE SUMMARY

18 Provides for imposing enhanced penalties against an
19 offender who uses a person younger than 18 years of age
20 in facilitating the commission of a crime. Requires that
21 the offense be reclassified to the next higher degree.
22 Provides for ranking an offense reclassified under the
23 act for purposes of sentencing. Authorizes the court to
24 sentence the offender to a term of imprisonment which is
25 longer than otherwise required.
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